

CITY OF FORT LAUDERDALE

OFFICE OF THE CITY AUDITOR

*Evaluation of Sunrise Key Neighborhood Improvement District
expenditures for improprieties*

Report #16/17-03

March 24, 2017



Memorandum

Memo No: 16/17-05

Date: March 24, 2017

To: Honorable Mayor and Commissioners

From: John Herbst, CPA, CGFO, CGMA
City Auditor

Re: Evaluation of Sunrise Key Neighborhood Improvement District expenditures for improprieties

In a February 11, 2017 email to the City Manager and the Mayor, a Sunrise Key resident made statements regarding the authority of certain Sunrise Key Neighborhood Improvement District (District) Board members and questioned the use and need of funds from the District's reserves. The resident also made reference to "self-appointed" board members (the "gang of five") and duplicative upgrades to island property, such as gates and landscaping. The City Auditor's Office (CAO) was asked to review supporting documentation to determine if Sunrise Key funds are being spent appropriately in regard to potential duplicative upgrades, and if board members have been recently "self-appointed."

Conclusion:

Based on our evaluation, we determined that the District's budget was appropriated and amended in accordance with Florida Statutes and the City's Code of Ordinances. Further, the expenditures outlined in the original and amended budgets are in alignment with the public purpose of the District. Finally, the procedures for appointment to the Board were adhered to. Accordingly, we found nothing to support the resident's assertion of impropriety.

Scope:

The CAO reviewed all available documentation, such as the Ordinance establishing the District, the District's Bylaws, City Commission meeting agendas, accompanying supporting documentation, meeting minutes, and Commission meeting videos. The CAO also held discussions with the City Budget Manager, the Neighborhood Support Manager, and various Public Works staff.

Background:

The District was established February 14, 1992 under the authority of Florida Statutes Ch.163.506. The District is considered a "Special district" under Florida law, which means a unit of local government created for a special purpose, as opposed to a general purpose, which has jurisdiction to operate within a limited geographic boundary and is created by general law, special act, local ordinance, or by rule of the

Governor and Cabinet. The purpose of the District is to guide and accomplish the coordinated, balanced and harmonious development of a safe neighborhood; to maintain and preserve property values and preserve and foster the development of an attractive neighborhood environment; to reduce crime rates; by providing services to enhance beautification and security on Sunrise Key.

Sunrise Key Safe Neighborhood District Fund

	FY 2014 Actual	FY 2015 Actual	FY 2016 Amended	FY 2017 Budget	FY 2016 Amended vs. FY 2017
REVENUES					
Taxes	\$ 73,847	79,109	90,775	93,568	2,793
Miscellaneous	16,070	7	210	10	(200)
Appropriated Fund Balance	-	-	-	22,122	22,122
Total Revenues	89,917	79,116	90,985	115,700	24,715
EXPENDITURES					
Services & Materials	69,717	69,473	76,400	115,700	39,300
Other Operating Expenses	-	800	-	-	-
Transfer Out to Fund Balance	-	-	14,585	-	(14,585)
Total Expenses	69,717	70,273	90,985	115,700	24,715
Surplus/(Deficit)	\$ 20,200	8,843	-	-	-

The City Commission approved the District's Fiscal 2017 budget of \$115,700, including funding for the following:

\$ 2,000	Gate repair
1,000	Landscape lighting
10,000	Landscape design
5,000	Painting/cleaning
<u>20,700</u>	Appropriated Funds-decorative lamp posts ¹
\$ 38,700	

Subsequently, on December 6, 2016 the District submitted a request, Commission Agenda Memo #16-1329, to the City Commission to use an additional \$86,000 in reserve funds. According to the City's Budget Manager, the request was discussed with District Board members to ensure that the funds were for distinct purposes. The additional appropriation funded:

\$ 9,000	New Gates
12,000	New Cameras
<u>65,000</u>	Landscaping
\$ 86,000	

¹ Funds appropriated from the District's reserve fund and is the match to City's NCIP grant for decorative sign posts. NCIP #12144 is for decorative street posts for Sunrise Key. Although funds were requested in Fiscal 2014, the project will start the in-house design process in March 2017.

The resident referred to this action as “unbudgeted duplicative replacement of the gates and cameras.” The resident is under the impression that the City is responsible for the replacement of the gates and cameras, because recent bridge repair caused some damage. However, according to City Public Works staff, while the bridge is the responsibility of the City, the recent repairs were contracted and funded by the State Department of Transportation. Additionally, the City is unaware of any issues regarding damage to the gate and cameras. The most recent issue for the City and Sunrise Key was unpaid Florida Power & Light (FPL) bills for the island’s entryway street lights; the issue was resolved when the account was transferred from the Florida Department of Transportation (FDOT) contractor to the City’s Parks Department.

The resident further states that “I have been advised that it is the City that is ultimately responsible for Sunrise Key expenditures not some self-elected gang of five...” The District’s Board is required by the enabling ordinance to submit its proposed budget to the City Commission for approval.

City Ordinance No. C-92-12, Section 8:

“Prior to the adoption of a final annual budget and setting of the millage rate or assessment level for the ensuing fiscal year, the appointed Board of Directors shall submit a tentative budget, including proposed millage rate or assessment level, or both, to the City Commission of the City of Fort Lauderdale for approval or disapproval. The City Commission shall have the power to approve, disapprove or modify the budget, millage rate or assessment submitted by the Board of Directors.”

Subsequent to the approval of the budget, the administration of the District is the responsibility of the Board, not the City Commission. The Board is authorized by Section 10 of Ordinance C-92-12 to exercise all powers enumerated in Section 163.514, Florida Statutes that are not expressly prohibited by the Ordinance C-92-10. Section 163.514(5), Florida Statute provides that the board has “exclusive control of funds legally available to it, subject to limitations imposed by law or by any agreement validly entered into by it.” Section 163.5151, Florida Statutes requires that the District’s funds be received, held and secured in the same manner as other public funds by the appropriate fiscal officers of the municipality in which the district is located. While the City’s fiscal officers are responsible for ensuring that District funds are used for only authorized purposes, statutorily disbursements are made at the direction of the District.

The resident also asserts that “four of the gang of five” Board Members were self-appointed for another three-year term, including one whose property is currently for sale.” Ordinance No. C-92-12, Section 6, Appointment of Board of Directors states:

“A majority of the City Commission of the City of Fort Lauderdale shall appoint a board of seven Directors for the District who shall be residents of the District and who are subject to ad valorem taxation in the residential neighborhood improvement district. The Directors shall be appointed for staggered terms of three years.”

District Bylaws, Section 5, Selection of Directors states:

“Directors shall be elected by a majority vote of the City Commission of the City of Fort Lauderdale (“City”) in the manner as the Commission may from time to time prescribe.”

District Bylaws, Section 3, Tenure and Qualifications further states:

“...The appointed directors shall at all times be residents of the District who are subject to ad valorem taxation in the District.”

On May 17, 2016 the City Commission appointed five people to the Board each for three year terms ending May 1, 2019 (Resolution 16-86). Since both the Ordinance and the By-Laws require that all Board members be residents of the District and subject to ad valorem taxation, any Board member who no longer meets these requirements is subject to removal/replacement by the City Commission.

Summary:

The District’s budget was appropriated and amended in accordance with Florida Statutes and the City’s Code of Ordinances. Further, the expenditures outlined in the original and amended budgets are in alignment with the public purpose of the District. Finally, the procedures for appointment to the Board were adhered to.

cc: Lee R. Feldman, City Manager
Cynthia A. Everett, City Attorney
Jeff Modarelli, City Clerk
Stanley D. Hawthorne, Assistant City Manager
Christopher Lagerbloom, Assistant City Manager

Attachments: City Ordinance No. C-92-12
Bylaws of the Sunrise Key Neighborhood Improvement District
Florida Statutes Ch. 163.514

Airport
Eng Serv
Personnel
Public In
Riverwall
Utilities

Post-it brand fax transmittal memo 7671		# of pages 4
To Mark Shantz	From Tom Ambros	
On	On FAU	
Dept.	Phone 367-367-3007	
365-764-4996	367-367-3001	
(Please Confirm)		

ORDINANCE NO. C-92-12

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING A LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT DISTRICT PURSUANT TO SECTION 163.506, FLORIDA STATUTES, TO BE KNOWN AS THE SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT AND ESTABLISHING BOUNDARIES, POWERS AND PROCEDURES THEREFOR. (SKNID)

WHEREAS, the Safe Neighborhoods Act, Florida Statutes Sections 163.501 et seq., provides that the governing body of a municipality may adopt an ordinance authorizing the formation of Safe Neighborhood Improvement Districts in accordance with the provisions of that Act; and

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, has adopted Ordinance No. C-87-80, authorizing the creation of Local Government Improvement Districts under the Safe Neighborhoods Act within the City of Fort Lauderdale; and

WHEREAS, the Sunrise Key Association, Inc. has formally requested Local Government Neighborhood Improvement District designation;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. District created. A Local Government Neighborhood Improvement District is hereby created pursuant to Section 163.506, Florida Statutes, to be known as the Sunrise Key Neighborhood Improvement District and to include approximately 34 acres in an area bounded on the North and on the East by Middle River, on the South by Rio Barcelona, and on the West by Karen Canal, which area includes all of the lands within the Plat of SUNRISE KEY as recorded at Plat Book 45, Page 6 and the RESUBDIVISION OF LOTS 60, 61 & 62 IN SUNRISE KEY as recorded in Plat Book 47, Page 50, both in the Public Records of Broward County, Florida, all located in the City of Fort Lauderdale, Broward County, Florida.

SECTION 2. Name of District. The Local Government Neighborhood Improvement District created hereby shall be known as the "Sunrise Key Neighborhood Improvement District".

SECTION 3. Authority to apply for and receive grant. The Local Government Neighborhood Improvement District created hereby is authorized to apply for and receive a planning grant from the Florida Department of Legal Affairs Safe Neighborhoods Trust Fund.

SECTION 4. Ad valorem tax. The District is authorized to levy ad valorem tax on real and personal property within the District up to two mills annually, subject to the limitations imposed by Florida Statutes and City ordinance, and further subject to such reasonable constraints as the District may impose on the exercise of that power by, through or under its by-laws.

SECTION 5. Special assessments. The District is authorized to use special assessments in accordance with the Safe Neighborhoods Act, as same may be amended from time to time, subject to

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the terms of Section 163.514(16), Florida Statutes, as same may be amended from time to time, and subject to such further limitations as may be imposed upon the District by Florida Statutes, City ordinances or such reasonable constraints as the District may impose on the exercise of that power by, through or under its by-laws.

SECTION 6. Appointment of Board of Directors. A majority of the City Commission of the City of Fort Lauderdale shall appoint a board of seven Directors for the District who shall be residents of the District and who are subject to ad valorem taxation in the residential neighborhood improvement district. The Directors shall be appointed for staggered terms of three years. The initial appointments shall be as follows: one Director for a oneyear term; one Director for a two-year term; and five Directors for three-year terms. Vacancies shall be filled for the unexpired portion of a term in the same manner as the initial appointments were made. Each Director shall hold office until his successor is appointed and qualified unless the Director ceases to be qualified or is removed from office. Upon appointment and qualification and, in January of each year the Directors shall organize by electing from their number a chairman and a secretary. The City Commissioner for District 2 shall serve as an ex-officio non-voting member of the appointed Board of Directors.

SECTION 7. Removal of Director. At a regularly scheduled meeting of the City Commission of the City of Fort Lauderdale and upon notice to the member(s) of the appointed Board of Directors to be affected, any or all of the appointed Directors of the Board may be removed, with or without cause, by a majority vote of the City Commission.

SECTION 8. District budget and levy. The District shall establish its budget pursuant to provisions of Chapter 200, Florida Statutes, and other applicable State statutes. Prior to the adoption of a final annual budget and setting of the millage rate or assessment level for the ensuing fiscal year, the appointed Board of Directors shall submit a tentative budget, including proposed millage rate or assessment level, or both, to the City Commission of the City of Fort Lauderdale for approval or disapproval. The City Commission shall have the power to approve, disapprove or modify the budget, the millage rate or the assessment level submitted by the appointed Board of Directors. Subsequent to approval, the appointed Board of Directors shall adopt its final budget, including millage rate or assessment level or both in accordance with the requirements of Chapter 200, Florida Statutes, and any other applicable State statutes.

SECTION 9. Establishment of Advisory Council. An Advisory Council is hereby established for the Local Government Neighborhood Improvement District created hereby. The Advisory Council shall be composed of seven members who shall be owners of real property located in the District or residents of the District. The members of the Advisory Council shall be appointed by the appointed Board of Directors and serve at the pleasure of the appointed Board of Directors. The Advisory Council shall perform such duties as may be prescribed by the appointed Board of Directors and shall submit within the time period specified by the appointed Board of Directors, a report on the District's proposed activities and a proposed budget to accomplish the District's objectives. In

formulating a plan for services or improvements, the Advisory Council shall consult in public session with the appropriate staff or consultants of the City of Fort Lauderdale responsible for the District's plan.

SECTION 10. Designation of District powers. Except as to those powers expressly prohibited herein, the appointed Board of Directors for the District is granted authority to exercise all powers enumerated in Section 163.514, Florida Statutes as same may be amended from time to time, but subject to the limitations contained herein. The appointed Board of Directors is expressly prohibited from exercising the following powers:

1. Promote and advertise the commercial advantages of the District so as to attract new businesses and encourage the expansion of existing businesses.
2. Promote and advertise the District to the public and engage in cooperative advertising programs with businesses located in that District.
3. Improve drainage and utilities and provide safe access to mass transportation facilities in the District.
4. Privatize, close or vacate streets, roads, sidewalks or alleys within the District.
5. Identify areas with blighted influences, including, but not limited to, areas where unlawful urban dumping or graffiti are prevalent, and develop programs for eradication thereof.
6. Levy and collect in any one budget year both ad valorem taxes and special assessments (as authorized by Sections 4 and 5 of this ordinance and applicable Florida Statutes), the combined total of which would exceed two (2) mills as against any parcel in the District.

SECTION 11. Registration of District. The District shall, within 30 days of the effective date hereof, register with the State of Florida Department of Legal Affairs and the Department of Community Affairs in accordance with Section 163.5055, Florida Statutes.

SECTION 12. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 13. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

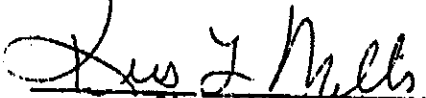
SECTION 14. That this Ordinance shall be in full force and effect ten days from the date of final passage.

PASSED FIRST READING this the 22nd day of January, 1992.
PASSED SECOND READING this the 4th day of February, 1992.



Mayor
JIM NAUGLE

ATTEST:



City Clerk
KRIS L. MILLS

BYLAWS

OF

SUNRISE KEY NEIGHBORHOOD IMPROVEMENT DISTRICT (A Safe Neighborhood Improvement District)

ARTICLE I

Purpose

Section 1. Purpose. The purposes for which the Sunrise Key Neighborhood Improvement District (the "District") is formed are to guide and accomplish the coordinated, balanced and harmonious development of a safe neighborhood; to promote the health, safety and general welfare of the District and its inhabitants, visitors and property owners; to establish, maintain and preserve property values and preserve and foster the development of an attractive neighborhood environment; to reduce crime rates and the opportunities for the commission of crime; and to provide environmental security in the District so it is defensible against crime.

ARTICLE II

BOARD OF DIRECTORS

Section 1. Powers. In carrying out its purposes, the Board may exercise all powers of a Neighborhood Improvement District created pursuant to the Safe Neighborhoods Act, 163.501, et seq., Florida Statutes, (1989) except those expressly prohibited by City of Fort Lauderdale Ordinance No. 89-133 creating the District, as same may be amended from time to time ("District's Enabling Ordinance"). Except as otherwise provided by law, all District powers shall be exercised by, or under the authority of, and the business and affairs of the District shall be managed under the direction of, the Board of Directors (hereinafter sometimes referred to as the "Board").

Section 2. Duties of the Board. The Board shall perform, or cause to be performed, all duties required by the Safe Neighborhoods Act and the District's Enabling Ordinance, as such laws now or hereafter exist, including, but not limited to, Florida Statute Section 163.513.

Section 3. Tenure and Qualifications. The Board shall consist of seven (7) appointed members and one (1) ex-officio non-voting member. The appointed directors shall at all times be residents of the District who are subject to ad valorem taxation in the District. The initial terms of office of the appointed directors shall be as follows: one director for a 1-year term; one director for a 2-year term; and five directors for 3-year terms. Thereafter, terms of office for appointed directors shall be staggered and will run for three (3) years, or until a successor

shall be selected and qualified.

Section 4. Duties of Directors. A director's duties, including duties performed as a member of any committee of the Board upon which a director may serve, shall be performed (i) in good faith, (ii) in a manner reasonably believed to be in the best interest of the District, and (iii) with such care as an ordinarily prudent person in a like position would use under similar circumstances. In performing directorial duties, a director shall be entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by:

(a) One or more members of the District's Advisory Council whom the director reasonably believes to be reliable and competent in the matters presented;

(b) Counsel, public accountants or other persons as to matters which the director reasonably believes to be within such person's professional or expert competence; or

(c) A committee of the Board upon which said director does not serve, duly designated in accordance with a provision of these Bylaws, as to matters within its designated authority, which committee the director reasonably believes to merit confidence.

Section 5. Selection of Directors. Directors shall be elected by a majority vote of the City Commission of the City of Fort Lauderdale ("City") in the manner as the Commission may from time to time prescribe. The City Commissioner for District 1 shall, at all times, serve as the Board's ex-officio non-voting member.

Section 6. Annual Meeting. The Annual Meeting of the Board shall be held in the month of January at such location in Broward County, Florida and at such time as may be specified by the Board.

Section 7. Regular Meetings. The Board shall hold regular meetings on the days and times established by the Board, but no less frequently than semi-annually in January and July of each fiscal year. The Board may, from time to time, by resolution change the time and place, within Broward County, for holding regular meetings of the Board as it deems advisable. Such regular meetings shall thereupon be held at the time and place so appointed. In case the day appointed for a regular meeting shall fall upon a Saturday, Sunday or legal holiday, such meeting shall be held on the next succeeding day not a Saturday, Sunday or legal holiday at the regularly appointed hour.

Section 8. Special Meetings. Special meetings of the Board

shall be held whenever called by the Chairman of the Board of Directors. The Chairman of the Board of Directors may call special meetings of the Board and upon doing so shall fix any place, within Broward County, as the place for holding any special meeting of the Board of Directors thereby called within thirty (30) days after a special meeting of the Board has been properly called for. The chairman shall be required to call a special meeting of the Board when requested by any three (3) members of the Board.

Section 9. Notice of Meeting. Notice to a director of any meeting may be given in writing stating the time, place and purpose for which such meeting is called by mailing the same to the residence or place of business of the director as shown on the books of the District not later than seven (7) days before the day on which the meeting is to be held, or may be given by (i) sending the same to such place by telegraph or cablegraph, (ii) delivering the same personally, (iii) leaving the same at the director's place of business or residence, or (iv) giving the same by telephone not later than the day before such day of meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the director's residence or place of business with postage thereon prepaid. If notice is given by telegram or cablegram, such notice shall be deemed to be delivered when the telegram or cablegram is delivered to the telegraph company. In addition to the foregoing notice: (A) the agenda of each Board meeting shall be posted on the public bulletin board, City Hall, at least three (3) days in advance of any such Board Meeting and (B) notice of the time, date and place of the meeting shall be posted at a conspicuous place in the District. Except as otherwise provided by the Bylaws or as may be indicated in the notice thereof, any and all business may be transacted at any meeting.

Section 10. Waiver of Notice. A director may waive the requirement of notice of a meeting of the Board by signing a waiver of notice either before or after the meeting. The attendance of a director at a meeting shall constitute a waiver of notice of such meeting and a waiver of any and all objections to the place or time of such meeting or in the manner in which it has been called or convened, except when the director states, at the beginning of the meeting, any objection to the transaction of business because the meeting is not lawfully called or convened.

Section 11. Quorum and Action. A simple majority of the appointed directors shall constitute a quorum for the transaction of business at any meeting of the Board.

Directors shall be deemed present at a meeting of the Board if a conference telephone or similar communications equipment, by means of which all persons participating in the meeting can hear each other, is used.

Except as otherwise required by statute, by city ordinance, or by these Bylaws, the affirmative vote of a majority of the

directors present at a meeting at which a quorum is present shall be the act of the Board of Directors.

Section 12. Presumption of Assent. A director of the District who is present at a meeting of the Board at which action on any District matter is taken shall be presumed to have assented to the action taken unless he or she abstains or votes against such actions. Notwithstanding the foregoing, no director may abstain from voting with regard to any decision, ruling or act and each vote shall be recorded and counted for each director present, except when, with respect to any such director, there is, or appears to be, a possible conflict of interest under the provisions of Florida Statutes 112.311, 112.313 or 112.3143. In any such case, said director shall comply with the disclosure requirements of Florida Statutes 112.3143.

Section 13. Parliamentary Questions. All questions regarding parliamentary procedures shall be governed by these Bylaws. In the event that a parliamentary question shall arise which is not resolved by these Bylaws, the presiding officer shall be guided by "Robert's Rules of Order." Parliamentary rules shall be applied in such a way as to expedite the District's business and to provide a fair opportunity for all to be heard; provided, however, that the misapplication of those parliamentary rules set forth in "Robert's Rules of Order" shall not invalidate the proceeding or business which was the subject matter of the parliamentary ruling. Any parliamentary ruling by the presiding officer may be challenged, and the challenge resolved in accordance with "Robert's Rules of Order." Upon a two-thirds (2/3) vote of the members of the Board of Directors present, where a quorum is in attendance, the rules provided herein for the conduct of the business of the District may be waived.

Section 14. Director Conflicts of Interest. No contract or other transaction between the District and one or more of its directors or any other corporation, firm, association or entity in which one or more of its directors are directors or officers or are financially interested shall be either void or voidable because of such relationship or interest or because such director or directors are present at the meeting of the Board or a committee thereof which authorizes, approves or ratifies such contract or transaction or because such director's or directors' votes are counted for such purpose, if:

(a) The fact of such relationship or interest is disclosed or known to the Board or committee which authorizes, approves or ratifies the contract or transactions by a vote or consent sufficient for the purpose without counting the votes or consents of such interested directors; and/or

(b) The contract or transaction is fair and reasonable to the District at the time it is

authorized by the Board or a committee thereof.

Common or interested directors may be counted in determining the presence of a quorum at a meeting of the Board or a committee thereof which authorizes, approves or ratifies such contract or transaction.

Section 15. Compensation of Directors. Directors of the District are expected to serve on a voluntary basis, without remuneration. The Board may pay to each director rendering services to the District not ordinarily rendered by directors such special compensation as shall be appropriate to the value of such services, as determined by the Board from time to time. None of these payments shall preclude any director from serving the District in any other capacity and receiving compensation therefor.

Section 16. Resignations. Any director of the district may resign at any time either by oral tender of resignation at any meeting of the Board or by giving written notice thereof to the Chairman or the Secretary. Such resignation shall take effect at the time specified therefor, and unless specified with respect thereto, the acceptance of such resignation shall not be necessary to make it effective.

Section 17. Removal. Any or all of the directors of the District may be removed, with or without cause, by the affirmative vote of a majority of the City Commission of the City at any regularly scheduled meeting of the City Commission, provided notice is given to all affected members of the Board prior to such meeting.

Section 18. Vacancy. Any vacancy occurring on the Board shall be filled in the same manner as initial appointments are made. A director elected to fill a vacancy shall hold office for the unexpired portion of the term.

Section 19. Florida Sunshine Law. All meetings of the Board will be open to the public as required by the Florida Sunshine Law, Chapter 286, Florida Statutes.

ARTICLE III

ADVISORY COUNCIL AND COMMITTEES

Section 1. Advisory Council. The Advisory Council (hereinafter sometimes referred to as the "Advisory Council") shall be composed of seven (7) members who shall be owners of real property in or residents of the District. The members of the Advisory Council shall be appointed by the Board and serve at the pleasure of the Board. Each member of the Advisory Council is expected to serve on a voluntary basis, without remuneration. The District may pay members of the Advisory Council rendering services to the District not ordinarily rendered by members of the Advisory

Counsel such special consideration as shall be appropriate to the value of such services as determined by the Board from time to time. None of these payments shall preclude any member of the Advisory Council from serving the District in any other capacity and receiving compensation therefor.

Each member of the Advisory Council shall hold such position until the next annual meeting of the Board or until a successor shall have been duly elected and qualified or until such member of the Advisory Council's earlier resignation, removal from office or death. Any member of the Advisory Council may be removed by the Board with or without cause by a majority vote of the Directors. A vacancy in any office because of resignation, removal, death or otherwise may be filled by the Board for the unexpired portion of the term by majority vote of the Board.

Section 2. Duties of Advisory Council. The Advisory Council shall serve as the Advisory Board to the Board. The Advisory Council shall submit, within the time period specified by the Board, a report on the District's proposed activities and a proposed budget to accomplish the District's objectives recognizing that such submittal shall be based upon meetings of the Advisory Council and the Board, working in conjunction with each other, to prepare such proposed activities and proposed budget. In formulating a plan for services or improvements, the Advisory Council shall consult in public session with the appropriate staff and consultants of the City of Fort Lauderdale. In addition, the Advisory Council shall perform such other duties as may be required by law and as the Board may from time to time prescribe.

Section 3. General Provisions. Except as otherwise required by Florida Statute, by the Enabling Ordinance or by these Bylaws, the affirmative vote of a majority of the members present at a meeting at which a quorum is present shall be the act of the Advisory Council. A majority of the total number of Advisory Council members shall constitute a quorum.

Section 4. Special Committees. The Board may create such special committees or task forces as may be necessary from time to time to study and make recommendations to the Board of the Advisory Council on any matter.

ARTICLE IV

OFFICERS

Section 1. Officers. The elected officers of the District shall consist of a Chairman of the Board (hereinafter sometimes referred to as the "Chairman" or as "President"), a Secretary, and a Treasurer. The Board shall elect these officers as well as such other officers, as may be deemed necessary by the Board from time to time.

Section 2. Election and Term of Office. The officers of the

District shall be elected at the Annual Meeting of the Board. If the election of officers is not held at such meeting, the election shall be held as soon thereafter as is convenient, but, in any event, shall be held in January of each year. Each officer shall hold office until the next Annual Meeting of the Board or until a successor shall have been duly elected and qualified or until the officer's earlier resignation, removal from office or death.

Section 3. Removal. Any officer or agent may be removed by the Board by a majority vote, whenever, in its judgment, the best interests of the District will be served thereby.

Section 4. Vacancies. A vacancy in any office because of resignation, removal, death or otherwise may be filled by the Board for the unexpired portion of the term by majority vote of the Board.

Section 5. Chairman of the Board. The Chairman of the Board shall preside at all Board of Directors meetings and shall have general responsibility for the management and direction of the District's affairs. The Chairman shall have general executive powers, as well as specific powers, conferred by these Bylaws or by the Board.

Section 6. Secretary. The secretary shall (i) keep the minutes of the proceedings of the Board in one or more books provided for that purpose; (ii) see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law; (iii) be custodian of the District records and of the seal of the District and ensure that the seal of the District is affixed to all documents, the execution of which on behalf of the District under seal is duly authorized; (iv) keep a list of post office addresses of all directors and offices, which shall be furnished to the directors; and (v) in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to the Secretary by the Board. In the absence of the Chairman, the Secretary shall perform the duties of the Chairman, and when so acting shall have all the powers of and be subject to all the restrictions upon the Chairman.

Section 7. Treasurer. The Treasurer shall be the chief fiscal officer of the District and be responsible for the supervision and control of the District's financial affairs and accounts. The Treasurer shall ensure that proper accounting controls are installed and maintained and shall coordinate with the City Finance Department of the City for the maintenance of the District's funds.

ARTICLE V

FISCAL MANAGEMENT AND BUDGET PREPARATION

Section 1. District Funds. All funds of the District should be received, held and secured by the City Finance Department of the

City, which funds shall be maintained under a separate account and be used only for purposes authorized by law and shall be disbursed pursuant to a requisition to the City Finance Department signed by the Treasurer and any other Board member. The District shall have the right to set up an operating account which shall be utilized to pay day to day expenses of the District and all funds deposited from such operating account shall be pursuant to checks signed by the Treasurer and at least one (1) other Board member. The treasurer and any other Board member may certify to the City Finance Department, an amount which such persons reasonably believe to be the reasonably necessary day to day operating expenses of the District for the next operating quarter of the District and at such other time as there is less than one (1) month's operating expenses in the operating account of the District.

Section 2. Annual Budget and Reports. The Board, in conjunction with the Advisory Council, shall prepare, within the time period specified by the Board, a report on District activities and tentative annual budgets for each ensuing fiscal year. The District shall establish its budget pursuant to the provisions of Chapter 200, Florida Statutes. In a timely manner, the Board shall prepare a tentative annual budget for each ensuing fiscal year. The tentative budget shall be submitted to the City Commission of the City of Fort Lauderdale for approval or modification. After such approval or modification, the annual budget shall be adopted as approved or modified.

Section 3. External Audit. The Board shall have an external audit performed at least annually by an independent certified public accountant selected by the Board who has no personal interests, direct or indirect, in the fiscal affairs of the District. A copy of the external audit shall be filed with the City Clerk or Clerk of the Court, whichever is appropriate, within ninety (90) days after the end of each fiscal year of the District.

Section 4. Fiscal Year. The fiscal year of the District shall be October 1 through the following September 30 or such other fiscal year as the Board may designate from time to time.

ARTICLE VI

BOOKS, RECORDS AND REPORTS

Section 1. Books and Record. The District shall keep and maintain, books and records and shall keep minutes of the proceedings of its Board, Advisory Council, and such other committees as may be created from time to time. All requests for information shall be submitted to the District, c/o P.O. Box 4780, Fort Lauderdale, Fl. 33338 or such other address as the District may designate from time to time.

Section 2. Principal Office. The principal office of the District shall be located at the City Clerk's Office, City Hall,

100 North Andrews Avenue, Fort Lauderdale, Florida.

ARTICLE VII

INDEMNIFICATION

Each person (including here and hereinafter the heirs, executors, administrators or estate of such person): (i) who is or was a Director, member of the Advisory Council or an officer of the District; (ii) who is or was an agent or employee of the District other than an officer and as to whom the District has agreed to grant such indemnity; or (iii) who is or was serving at the request of the District as its representative in the position of a director, officer, agent or employee of another corporation, partnership, joint venture, trust or other enterprise and as to whom the District has agreed to grant such indemnity; shall be indemnified by the District as of right to the fullest extent permitted or authorized by current or future legislation or by current or future judicial or administration decision, against any fine, liability, cost or expense, including attorneys' fees, asserted against him or incurred by him in his capacity as such director, member of the Advisory Council, officer, agent, employee or representative, or arising out of his status as such director, officer, agent, employee or representative. The foregoing right of indemnification shall not be exclusive of other rights to which those seeking an indemnification may be entitled. The District may maintain insurance, at its expense, to protect itself and any such person against any such fine, liability, cost or expense, whether or not the District would have the legal power to directly indemnify him against such liability.

ARTICLE VIII

APPLICABLE LAW

These Bylaws shall be construed and enforced in accordance with the laws of the State of Florida. If any provision or provisions of these Bylaws should be held to be invalid or unenforceable by any court of competent jurisdiction, such ruling shall not effect the validity or enforceability of the remainder of these Bylaws but these Bylaws (as so modified by judicial interpretation shall remain in full force and effect.

ARTICLE IX

ADOPTION OF BYLAWS AND AMENDMENTS

These Bylaws shall be adopted upon approval of the Board. These Bylaws or any provisions thereof may be amended, altered or repealed, and new Bylaws or provisions not inconsistent with law may be adopted by the Board at any meeting thereof at which a quorum is present by the affirmative vote of a two-third (2/3) of those directors eligible to vote, provided that any notice or waiver of notice of such meeting shall fairly summarize or set

forth the proposed action with regard to the Bylaws. Such amendments or revisions to these Bylaws shall be effective when approved by the Board.

ARTICLE X

GENDER

All pronouns and any variations thereof shall be deemed to refer to the masculine, feminine, neuter, singular or plural, as the identity of the party or parties may require.

ARTICLE XI

ALL OTHER MATTERS

Any matter not covered by these Bylaws shall be governed by the Safe Neighborhoods Act, as such Act shall now or hereafter exist, and the District's Enabling Ordinance, as same may now or hereafter exist. Notwithstanding anything contained herein to the contrary, in the event of any conflict between the terms and provisions of these Bylaws and the terms and provisions of applicable law, then the terms and provisions of applicable law shall control and supersede to the extent of any inconsistency.

ADOPTIONS OF BYLAWS

The foregoing were adopted as the Bylaws of the District on 18th day of January, 1993.


SECRETARY

Select Year: 2016 ▼ Go

The 2016 Florida Statutes

Title XI
COUNTY ORGANIZATION AND
INTERGOVERNMENTAL RELATIONS

Chapter 163
INTERGOVERNMENTAL
PROGRAMS

[View Entire
Chapter](#)

163.514 Powers of neighborhood improvement districts.—Unless prohibited by ordinance, the board of any district shall be empowered to:

- (1) Enter into contracts and agreements and sue and be sued as a body corporate.
- (2) Have and use a corporate seal.
- (3) Acquire, own, convey, or otherwise dispose of, lease as lessor or lessee, construct, maintain, improve, enlarge, raze, relocate, operate, and manage property and facilities of whatever type to which it holds title and grant and acquire licenses, easements, and options with respect thereto.
- (4) Accept grants and donations of any type of property, labor, or other thing of value from any public or private source.
- (5) Have exclusive control of funds legally available to it, subject to limitations imposed by law or by any agreement validly entered into by it.
- (6) Cooperate and contract with other governmental agencies or other public bodies.
- (7) Contract for services of planning consultants, experts on crime prevention through community policing innovations, environmental design, environmental security, or defensible space, or other experts in areas pertaining to the operations of the board of directors or the district.
- (8) Contract with the county or municipal government for planning assistance, and for increased levels of law enforcement protection and security, including additional personnel.
- (9) Promote and advertise the commercial advantages of the district so as to attract new businesses and encourage the expansion of existing businesses.
- (10) Promote and advertise the district to the public and engage in cooperative advertising programs with businesses located in the district.
- (11) Improve street lighting, parks, streets, drainage, utilities, swales, and open areas, and provide safe access to mass transportation facilities in the district.
- (12) Undertake innovative approaches to securing neighborhoods from crime, such as crime prevention through community policing innovations, environmental design, environmental security, and defensible space.
- (13) Privatize, close, vacate, plan, or replan streets, roads, sidewalks, and alleys, subject to the concurrence of the local governing body and, if required, the state Department of Transportation.
- (14) Prepare, adopt, implement, and modify a safe neighborhood improvement plan for the district.
- (15) Identify areas with blighted influences, including, but not limited to, areas where unlawful urban dumping or graffiti are prevalent, and develop programs for eradication thereof.
- (16)(a) Subject to referendum approval, make and collect special assessments pursuant to ss. [197.3632](#) and [197.3635](#) to pay for improvements to the district and for reasonable expenses of operating the district, including the payment of expenses included in the district's budget, subject to an

affirmative vote by a majority of the registered voters residing in the district. Such assessments shall not exceed \$500 for each individual parcel of land per year. Notwithstanding the provisions of s. 101.6102, the referendum to approve the special assessment shall be by mail ballot.

(b) In order to implement this subsection, the city clerk or the supervisor of elections, whichever is appropriate, shall compile a list of the names and last known addresses of the electors in the neighborhood improvement district from the list of registered voters of the county as of the last day of the preceding month. The same shall constitute the registration list for the purposes of a referendum. Within 45 days after compilation of the voter registration list, the city clerk or the supervisor of elections shall notify each elector of the general provisions of this section, including the taxing authority and the date of the upcoming referendum. Notification shall be by United States mail and, in addition thereto, by publication one time in a newspaper of general circulation in the county or municipality in which the district is located.

(c) Any resident of the district whose name does not appear on the list compiled pursuant to paragraph (b) may register to vote as provided by law. The registration list shall remain open for 75 days after the notification required in paragraph (b).

(d) Within 15 days after the closing of registration, the city clerk or the supervisor of elections shall send a ballot to each elector at his or her last known mailing address by first-class United States mail. The ballot shall include:

1. A description of the general provisions of this section applicable to the neighborhood improvement district; and
2. Immediately following said information, the following:

“Do you favor the imposition of a special assessment of not greater than \$500 for each individual parcel of land per year to pay for the expenses of operating the neighborhood improvement district?

Yes, for the special assessment.

No, against the special assessment.”

(e) Ballots shall be returned by United States mail or by personal delivery.

(f) All ballots received within 60 days after the closing of registration shall be tabulated by the city clerk or the supervisor of elections, who shall certify the results thereof to the city governing body or county commission no later than 5 days after said 60-day period.

(17) Exercise all lawful powers incidental to the effective and expedient exercise of the foregoing powers.

History.—s. 63, ch. 87-243; s. 29, ch. 88-381; s. 12, ch. 91-86; s. 909, ch. 95-147; s. 17, ch. 98-314.